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April 19, 2021

LOUISIANA ETHICS ADMINISTRATION PROGRAM
P.O. Box 4368
Baton Rouge, Louisiana 70821

RE: Request for an Advisory Opinion.

Dear Members of the Board of Ethics:

I am writing in reference to any restrictions that may be applicable in my current or future endeavors based upon my previous employment with the City of New Orleans. My former title under Civil Service was Deputy Director of Utilities with a working title of Deputy Director of Ground Transportation (Taxicab) Services and Enforcement. I served in this capacity from May 2, 2016 until November 16, 2020.

During my tenure with the City, I oversaw and supervised all staff and operations of the Ground Transportation Bureau within the Department of Safety and Permits for the City of New Orleans. I did not have any direct interaction with or authority pertaining to the building trades divisions of Safety and Permits during my tenure, including but not limited to review or issuance of building permits, reviews of building plans, or oversight of inspection personnel. The Ground Transportation Bureau is tasked with the regulatory authority and enforcement of taxicab and other for-hire vehicles operating within the City. All licenses issued by the Bureau expire annually. Under the City Code, the Director of Safety and Permits has the ultimate decision-making ability for all policies relative to the Bureau. As of March 2021, the Ground Transportation Bureau has been reassigned to the Department of Public Works under which I have never served.

I would like to clarify a few potential issues relative to my ability to perform certain work as a former unclassified official of the City of New Orleans. I am a licensed general contractor and have worked in this capacity relative to home renovations and new construction outside of New Orleans and would like to expand to working within the city of New Orleans. Additionally, I am seeking the Board's guidance on the permissibility of working with the ground transportation industry providing transportation consulting, advising, code compliance expertise, and other vehicle related services.

1. Please advise on what my "agency" is as defined by La. R.S. 42:1102(2)(a)(vi)? The statute states: "For public servants of political subdivisions, it shall mean the agency in which the public servant serves. . . ."
 - a. Under La. Rev. Stat. 42:1121(A)(1), am I allowed to perform construction related services under contract with an entity that seeks to obtain permits from the City of New Orleans?
 - b. Under La. Rev. Stat. 42:1121(A)(1), am I allowed to perform transportation related advisory services under contract with an entity that seeks to obtain licenses from the City of New Orleans?
2. Please advise if I am considered an "agency head" as defined by La. R.S. 42:1102(3)? The statute states: "Agency head" means the chief executive or administrative officer of an agency or any member of a board or commission who exercises supervision over the agency".

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3. La. R.S. 42:1121(A)(1) provides:

No former agency head or elected official shall, for a period of two years following the termination of his public service as the head of such agency or as an elected public official serving in such agency, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that agency or render any service on a contractual basis to or for such agency.

Based upon La. R.S. 42:1121(A)(1), is there any prohibition against my participation in any transaction or appearance before any City departments to seek any type of permit or license on behalf of any company or individual that I may work for in the future?

4. 3. La. R.S. 42:1121(B)(1) provides:

No former public employee shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

Based upon La. R.S. 42:1121(B)(1), please clarify any prohibitions that I might have with regard to any permitting or licensing applications that were submitted to the City during my tenure?

- a. Am I prohibited from participating in transactions involving a construction project when a permit or license application for the project was submitted to the City while I was employed **but** I had no role in reviewing or issuing the permit?
- b. Am I prohibited from participating in transactions involving a transportation project when a permit or license application for the project was submitted to the City while I was employed **but** has expired and requires a full renewal application to be submitted to the City?

5. La. R.S. 42:1121(C) provides:

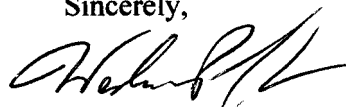
No legal entity in which a former public servant is an officer, director, trustee, partner, or employee shall, for a period of two years following the termination of his public service, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such public servant at any time participated during his public service and involving the agency by which he was formerly employed or in which he formerly held office.

Based upon La. R.S. 42:1121(C), is there any prohibition against any entity of which I have an ownership interest seeking permits or licenses engaging in any transactions with the City?

- (a) Do the prohibitions set forth in La. R.S. 42:1112(B)(2)-(3) apply after November 16, 2020 when I resigned from my employment with the City?

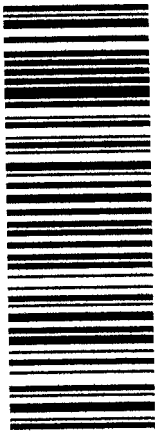
Thank you in advance for your time and consideration in providing guidance on these issues.

Sincerely,



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